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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/511,735	02/24/2000	Michael S. Borella	99.447	5494

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EXAMINER

VAUGHN JR, WILLIAM C

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 02/13/2004

8

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/511,735

Applicant(s)

BORELLA ET AL.

Examiner

William C. Vaughn, Jr.

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 November 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) 9-39 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 9-39 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 February 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3,5 6) ☐ Other: _____

no-ov

DETAILED ACTION

1. This Action is in regards to the Response to the Restriction Requirement received on 07 November 2003. Applicant's election without traverse of Group I, claims 1-8 in paper No. 7 is acknowledged.
2. The application has been examined. **Claims 1-8** are pending. The objection(s) and rejection(s) cited are as stated below:

Priority

3. No claim for priority has been made in this application.
4. The effective filing date for the subject matter defined in the pending claim in this application is 24 February 2000.

Information Disclosure Statement

5. The references listed in the Information Disclosure Statement submitted on 30 May 2000 and 03 June 2002, have been considered by the examiner (see attached PTO-1449).

Claim Objections

6. It is noted that although the present application does contain line numbers in the specification and the claims, the line numbers in the claims do not correspond to the preferred format. The preferred format is to number each line of every claim, with each claim beginning with line 1. For each of reference by both the Examiner and Applicant, all future correspondence should include the recommended line numbering format.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. **Claims 6- 8** recites the limitation "wherein the step". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. **Claims 1-8** are rejected under 35 U.S.C. 103(a) as being unpatentable over Mattaway et al. (Mattaway, U.S. Patent No. 6,185,184.

11. Regarding **claim 1**, Mattaway discloses the invention substantially as claimed. Mattaway discloses *a method for using multiple network addresses for interprocess communication through a common physical layer, comprising: creating a first interprocess communication data*

Art Unit: 2143

structure associated with a first network address on a first network device [see Mattaway, Col. 23, lines 1-10]; establishing a first communication between the first network device and a second network device using the first interprocess communication data structure and the first network address, wherein the first communication passes through the common physical layer for the first network device [see Mattaway, Col. 23, lines 2-5]; creating a second interprocess communication data structure associated with a second network address on the first network device, wherein the second network address is different from the first network address [see Mattaway, Col. 24, lines 37-40]; and establishing a second communication between the first network device and a third network device using the second interprocess communication data structure and the second network address [see Mattaway Col. 24, lines 29-40]. However, Mattaway does not explicitly disclose wherein the second communication passes through the common physical layer for the first network device. It would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have allowed the second communication to pass through the same common physical layer for the first device.

12. Regarding claim 2, Mattaway discloses *a computer readable medium having stored therein instructions for causing a central processing unit to execute the method of Claim 1* [see Mattaway, Col. 4, lines 35-67 and Col. 5, lines 1-13]. By this rationale **claim 2** is rejected.

13. Regarding **claim 3**, Mattaway discloses *wherein the first interprocess communication data structure is a first socket comprising: a first socket descriptor with which a first process on the first network device accesses the first interprocess communication data structure* (The Examiner takes Official Notice (see MPEP 2144.03) that socket descriptor that identify a

Art Unit: 2143

network address are extremely well known in the art); *and the first network address*. By this rationale **claim 3** is rejected.

14. Regarding **claim 4**, Mattaway discloses *wherein the second interprocess communication data structure is a second socket comprising: a second socket descriptor with 'which a second process on the first network device accesses the second interprocess communication data structure* (The Examiner takes Official Notice (see MPEP 2144.03) that socket descriptor that identify a network address are extremely well known in the art); *and the first network address) and the second network address*. By this rationale **claim 4** is rejected.

15. Regarding **claim 5**, Mattaway discloses *wherein the first network address and the second network address are Internet Protocol addresses* [see Mattaway, table 6]. By this rationale **claim 5** is rejected.

16. Regarding **claim 6**, Mattaway discloses *wherein the step of creating the first or second interprocess communication data structure includes calling a reentrant socket networking function that allows multiple network addresses to be allocated* (Mattaway teaches dynamically allocated IP addresses), [see Mattaway, Col. 6, lines 52-67 and Col. 7, lines 1-7]. By this rationale **claim 6** is rejected.

17. Regarding **claim 7**, Mattaway discloses *wherein the step of creating the first or second interprocess communication data structure includes calling a reentrant bind socket networking function that allows multiple network addresses to be allocated* (Mattaway teaches dynamically allocated IP addresses), [see Mattaway, Col. 6, lines 52-67 and Col. 7, lines 1-7]. By this rationale **claim 7** is rejected.

Art Unit: 2143

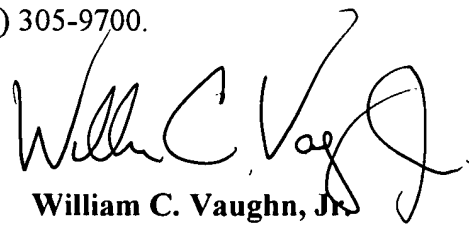
18. Regarding **claim 8**, Mattaway discloses *wherein the step of establishing the first or second communication includes calling a reentrant connect socket networking function that allows multiple network addresses to be allocated* (Mattaway teaches dynamically allocated IP addresses), [see Mattaway, Col. 6, lines 52-67 and Col. 7, lines 1-7]. By this rationale **claim 8** is rejected.

Conclusion

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William C. Vaughn, Jr. whose telephone number is (703) 306-9129. The examiner can normally be reached on 8:00-6:00, 1st and 2nd Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on (703) 308-5221. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9700.



**William C. Vaughn, Jr.
Patent Examiner
Art Unit 2143
13 January 2004**